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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,366	07/10/2003	W. J. Jim Amoss JR.	P02154US (98246.1P)	1497

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EXAMINER

KIM, SANG K

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,366

Applicant(s)

AMOSS ET AL.

Examiner

SANG KIM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 74,75 and 77-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 74,75 and 77-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Allowable Subject Matter

The indicated allowability of claim 76 is withdrawn in view of the newly discovered reference(s) to Weis in view of Landow, and further in view of Lovell, U.S. Patent No. 1033602. Rejections based on the newly cited reference(s) follow.

Drawings

The drawings filed on 6/20/05 are objected to under 37 CFR 1.83(a) because they fail to show "container scanning equipment" as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Applicant has submitted a new Figure 19 in which "Figure 14" has been replaced with "614" identified in the specification as container scanning equipment without any structural detail that is essential for a proper understanding of the disclosed invention. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each

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drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112 1st Paragraph

Claims 74-81 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claim 74, applicant recites "container scanning equipment" without explaining how to make or use the invention based on the disclosure. Applicant merely recites "container scanning equipment 614" without explaining how the "container scanning equipment" works with respect to the system including cranes and trailers. Since cranes are not able to reach over to the "container scanning equipment" area, applicant's specification fails to explain the purpose of placing the "container scanning equipment" near the causeway 604.

Claim Rejections - 35 USC § 112 2nd Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claim 81 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 81 is indefinite and vague. It is unclear how claim 81 further limits the scope of the claim from which it depends, since claim 74 is reciting the same feature.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 74-75 and 80-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weis, WO 2004/085298 A1, in view of Landow, U.S. Patent No. 4190393.

With respect to claims 74-75 and 80-81, Weis '298 shows a transshipping platform; a plurality of cranes (near 5, near 23) on the transshipping platform for transferring goods between an ocean-going vessel (1) and a barge or other shallower-draft feeder vessel using the cranes on the transshipping platform by unloading from the ship and transferring its containers (6) to a vehicle (24) and placing back onto a barge or other shallower-draft feeder vessel when it docks; the cranes including a gantry crane with trolleys and hatch storage (near 3), and rotating luffing boom crane (near 7) mounted on a separate gantry frame with hatch storage; containers (6) loading onto

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vehicles (24) by using the cranes; and a container scanning equipment (12), see figures 1-2. Note: The intended use of the claimed apparatus for transferring goods between an ocean-going vessel and a barge or other shallower-draft feeder vessel does not distinguish over the prior art because it relates only to the material loaded and unloaded using the cranes and does not impart or define any particular structural limitations to the claims.

Landow '393 explains yard tractors with automatic hitches for moving the trailers that can move in bi-directional with multi-trailers, see abstract.

Weis '298 does not explicitly state having yard tractors with automatic hitches for moving the trailers and rotating luffing boom cranes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the vehicles of Weis '298 with yard tractors as taught by Landow, in order to help transport the goods faster using railcars. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have more than one rotating luffing boom crane to help transport goods faster. Also, it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claims 77-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weis in view of Landow as applied to claim 74 above, and further in view of Lovell, U.S. Patent No. 1033602.

Weis in view of Landow does not explicitly state that the system further comprising a multi-purpose container island or platform extensions.

Lovell '602 shows an MPC island (located near B2) and platform extensions, see figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to move the system of Weis in view of Landow near a multi-purpose container island as taught by Lovell '602 to help transport the goods faster.

Response to Arguments

Claim 76 has been canceled and the limitation of claim 76 has been added to claim 74.

Applicant's arguments with respect to claims 74-75 and 77-81 have been considered but are moot in view of the new ground(s) of rejection as set forth above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

2/7/06

A handwritten signature in black ink that reads "Kathy Matecki". The signature is written in a cursive, flowing style.

**KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**